

03-1982
(Do Not Write Above This)

A RESOLUTION BY THE PUBLIC SAFETY
AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING
SETTLEMENT OF ALL CLAIMS OF JAGDISH
GANDHI AND GITA GANDHI IN THE CASE
OF JAGDISH GANDHI AND GITA GANDHI V.
THE CITY OF ATLANTA AND CARROLL
CRAIG, CIVIL ACTION NUMBER 1:03-CV-
2835-TWT IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF
GEORGIA; TO CAUSE PAYMENT TO BE
MADE IN THE AMOUNT OF FORTY-EIGHT
THOUSAND DOLLARS (\$48,000.00); AND FOR
OTHER PURPOSES.

APPROVED BY

JERRY L. DELMONACH
DEPUTY CITY ATTORNEY
NOV 17 2003

ADOPTED BY

COUNCIL

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

DATE Committee

Date
Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

[Signature]

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
NOV 17 2003

[Signature]
COUNCIL PRESIDENT PROTEM

NOV 17 2003

[Signature]
MUNICIPAL CLERK

APPROVED

MAYOR

03- R -1982

**A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE**

**A RESOLUTION AUTHORIZING SETTLEMENT OF ALL CLAIMS OF
JAGDISH GANDHI AND GITA GANDHI IN THE CASE OF
JAGDISH GANDHI AND GITA GANDHI V. THE CITY OF
ATLANTA AND CARROLL CRAIG, CIVIL ACTION NUMBER 1:03-
CV-2835-TWT IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA; TO CAUSE PAYMENT TO BE
MADE IN THE AMOUNT OF FORTY-EIGHT THOUSAND DOLLARS
(\$48,000.00); AND FOR OTHER PURPOSES.**

WHEREAS, on September 18, 2003, the Plaintiffs initiated the case of Jagdish Gandhi and Gita Gandhi v. the City of Atlanta and Carroll Craig, alleging that the Defendants are liable for personal injury arising during Mr. Gandhi's arrest on October 4, 2001; and

WHEREAS, on October 4, 2001, Plaintiff Jagdish Gandhi, accompanied by his wife Plaintiff Gita Gandhi, drove to the Hartsfield Atlanta International Airport to pick up their daughter, who was returning from a business trip; and

WHEREAS, Mr. Gandhi drove slowly down the terminal roadway, looking for his daughter; and

WHEREAS, Atlanta Police Officer Carroll "Charlie" Craig, who was on duty at the airport directing traffic at the South Terminal, motioned with his flashlight for Mr. Gandhi to keep his vehicle moving; and

WHEREAS, in the period after the terrorist attacks on September 11, 2001, parking along the curb in front of the airport was limited to passenger drop-off; and



WHEREAS, Mr. Gandhi proceeded forward but then stopped further along the roadway, purportedly to drop off his wife so she could look for their daughter; and

WHEREAS, Officer Craig then approached Mr. Gandhi's stopped car, at which point Mr. Gandhi alleges that Officer Craig forcefully struck his windshield with a flashlight, but Officer Craig maintains that Mr. Gandhi refused to comply with his directions to roll down the window; and

WHEREAS, while it is undisputed that Mr. Gandhi then drove away without dropping off his wife, Officer Craig contends that Mr. Gandhi turned his car into Craig as he drove away, while Gandhi claims that he thought he was complying with the officer's directions and denies making any contact with Craig; and

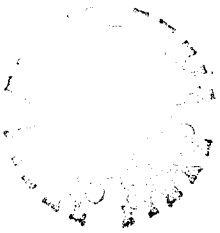
WHEREAS, Officer Craig admits that he hit Mr. Gandhi's driver side window with his flashlight in an effort to get Gandhi to stop; and

WHEREAS, Officer Craig later was treated for an injury to his pinky finger, which injury he contends resulted from being struck by Gandhi's car; and

WHEREAS, as Mr. Gandhi drove off, Officer Craig advised radio of a lookout of a medium dark car, with a partial tag number, driven by a Middle Eastern male; and

WHEREAS, Mr. Gandhi in fact was born in India and has been a United States citizen since 1982; and

WHEREAS, it is undisputed that Mr. Gandhi returned to the South Terminal and, after he dropped off his wife, Officer Craig approached his car, opened the door, pulled Mr. Gandhi out of the car to the ground, and arrested him; and



WHEREAS, during this encounter, Mr. Gandhi sustained a cut to his left cheek and complained of bruising to his back; and

WHEREAS, paramedics responding to the scene treated both Mr. Gandhi and Officer Craig; and


WHEREAS, Mr. Gandhi was transported to the Clayton County jail, and after spending a weekend there, his charges of felony obstruction and no parking were administratively dismissed; and

WHEREAS, Mr. Gandhi incurred approximately \$3,000.00 in attorney's fees to defend the criminal charges, and he and his wife allege additional damages for pain and suffering, emotional distress, loss of consortium, punitive damages, and attorney's fees in connection with the civil suit; and

WHEREAS, Mr. Gandhi lodged a complaint against Officer Craig with the Atlanta Police Department Office of Professional Standards, which complaint was not sustained; and

WHEREAS, should Plaintiff prevail in this matter, he is entitled by law to recover his reasonable attorneys' fees; and

WHEREAS, at a mandatory settlement conference, counsel for the parties have tentatively agreed to resolve all claims in this matter for a total of \$48,000.00, including attorney's fees, contingent upon the approval of the Atlanta City Council and the Mayor; and



WHEREAS, by this settlement, Defendants admit no liability; and

WHEREAS, the offer of settlement acceptable to the Plaintiff is, in the opinion of the City Attorney, appropriate to settle all claims against the City and Officer Craig arising out of the case of Gandhi, et al. v. The City of Atlanta, et al.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the City Attorney be and is hereby authorized to conclude settlement of all claims against the City of Atlanta and Officer Carroll Craig arising out of the lawsuit filed by the Plaintiff in the United States District Court for the Northern District of Georgia, as set forth in Civil Action Number 1:03-CV-2835-TWT.

THE CITY COUNCIL FURTHER RESOLVES that the Chief Financial Officer is authorized to pay the total of Forty-Eight Thousand Dollars (\$48,000.00) at the direction of the City Attorney from the account of 1A01 529017 T31001. Payment shall be in the form of a check in the amount of \$48,000.00, payable to Jagdish Gandhi, Gita Gandhi and Weinstock & Scavo, P.C.. Such payment will be in full consideration of the dismissal of all claims against the City of Atlanta and its current and former officers.

A true copy,


Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

NOV 17, 2003
NOV 24, 2003

RCS# 5155
11/17/03
3:51 PM

Atlanta City Council

Regular Session

CONSENT I

EXCEPT:03-R-1973,03-R-1974,1981,1834,
03-R-1801,03-R-1878 03-R-1879, 03-R-1971
ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

11-17-03 Council Meeting		
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1812 2. 03-O-1802 3. 03-O-1958 4. 03-O-1959 5. 03-O-1960 6. 03-O-1961 7. 03-O-1962 8. 03-O-1963 9. 03-O-1809 10. 03-O-1957 11. 03-O-1862 12. 03-O-1868 13. 03-O-1699 14. 03-O-1805 15. 03-O-1806 16. 03-O-1807 17. 03-O-1813 18. 03-O-1871 19. 03-O-1966 20. 03-R-1477 21. 03-R-1877 22. 03-R-1952 23. 03-R-1886 24. 03-R-1882 25. 03-R-1883 26. 03-R-1884 27. 03-R-1885 28. 03-R-1980 29. 03-R-1972 30. 03-R-1982 31. 03-R-0929 32. 03-R-0982 33. 03-R-1665 34. 03-R-1889 35. 03-R-1891 36. 03-R-1892 37. 03-R-1893 38. 03-R-1894 39. 03-R-1900 40. 03-R-1953 41. 03-R-1975	42. 03-R-1902 43. 03-R-1903 44. 03-R-1904 45. 03-R-1905 46. 03-R-1906 47. 03-R-1907 Items Adversed on consent 48. 03-R-1908 49. 03-R-1909 50. 03-R-1910 51. 03-R-1911 52. 03-R-1912 53. 03-R-1913 54. 03-R-1914 55. 03-R-1915 56. 03-R-1916 57. 03-R-1917 58. 03-R-1918 59. 03-R-1919 60. 03-R-1920 61. 03-R-1921 62. 03-R-1922 63. 03-R-1923 64. 03-R-1924 65. 03-R-1925 66. 03-R-1926 67. 03-R-1927 68. 03-R-1928 69. 03-R-1929 70. 03-R-1930 71. 03-R-1931 72. 03-R-1932 73. 03-R-1933 74. 03-R-1934 75. 03-R-1935 76. 03-R-1936 77. 03-R-1937 78. 03-R-1938 79. 03-R-1939	80. 03-R-1940 81. 03-R-1941 82. 03-R-1942 83. 03-R-1943 84. 03-R-1944 85. 03-R-1945 86. 03-R-1946 87. 03-R-1947 88. 03-R-1948 89. 03-R-1949 90. 03-R-1950 91. 03-R-1951